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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,222	01/30/2004	John L. Andersen	BUI02 P-320	6217

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,222

Applicant(s)

ANDERSEN, JOHN L.

Examiner

Chapman E. Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Harpenau (6419102).

A housing for a dryer venting comprising;

- A top wall 22
- A bottom wall 23
- two side walls 21a & 21b
- a rear wall 20 attached to the top, bottom and side walls
- The above walls are combined to define an inner space sized to house a portion of venting attached to a clothes dryer
- A front face 18/24 extending from one of the walls
- A standoff extending 25 rearwardly from the front face plate and having a portion; the standoff includes a hole which is adapted to receive a screw 32
- A knockout 69 is sized to receive a duct 49 attached to a clothes dryer; figures 6 and 7 formed in the top and side walls

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harpenau.

Variations exist in the specific manner of attachment used such as the post and bracket for holding the duct in place is viewed as an additional holding means for holding the duct to the housing; the same is not apart of the housing.

The top, bottom and side walls are attached to the rear wall with a certain angle; the exact angle has been considered a matter of choice; one of ordinary skill in the art would have appreciated any angle which would enable the housing to function as intended and purposed.

Variations exist in the standoff portion used to attach the housing to the wood stud; such variations do not hinder the housing to be properly and sufficiently attached to the studs. Applicant's structure has not been shown to be superior or better than that of Harpenau. One of ordinary skill in the art would have appreciated using any means of attachment, such as the beveled portion to assist in attachment, which would enable sufficient attachment of the standoff portion to the wood stud.

Applicant's arguments filed May 24 2005 have been considered but are not deemed persuasive.

SERIAL NO.: 10/768222

ART UNIT: 3635

Applicant argues that the examiner does not present a prima facie case of obviousness. Applicant's invention is not the standoff which is common in the art of such devices as a niche in an opening or against a substrate. This standoff aids in establishing the member to the wall. Clearly standoffs which are common and notoriously known in the art are not applicant's invention. Standoffs are mere functional devices not only known on ventilation housing but on similar housing means to be fitted in a wall or on a wall/substrate such as niches. In other words, they are not new or novel neither in their use or applicant's application. Merely because they are not shown to exist on the prior art ventilation housing does not mean it would not be obvious to do so. Again the standoffs are not applicant's invention but a conventional means of fitting the ventilation housing against/in the wall. In applicant's SUMMARY OF THE INVENTION, there is no statement regarding the criticality of standoff's as a significant aspect of the invention. They are mentioned as merely a means to attach the housing to a wood stud to hold the housing in place. Variations in attaching means is known in the art of mechanical structures. They overlap in use and function. Another attaching means could be used which does not effect the overall function and purpose of the ventilation housing.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory


SERIAL NO.: 10/768222

ART UNIT: 3635

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571272-6841. The examiner can normally be reached on Mon.-Thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


JEANETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP 2400
3635